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Error to Circuit Court, Accomac County.

Action by J. W. Downing against the American Railway Express Company. Judgment for plaintiff, and defendant brings error. Affirmed.

Stewart K. Powell, of Onancock, for plaintiff in error.

S. James Turlington, of Accomac, for defendant in error.

FOY *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 270.]

1 Criminal Law (§ 1120 (3)*)—Sustaining Objection to Question Not Reviewed Where Expected Answer Does Not Appear.—Refusal to allow a witness to answer the question, "What is your religious faith?" will not be considered on appeal, unless the record shows what answer was expected, though defendant claims that his object was to show that the witness was not properly sworn.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 597.]

2. Criminal Law (§ 261 (1)*)—Arraignment or Plea Not Necessary in Misdemeanor Cases.—Under Code 1919, § 4889, no arraignment or plea of the accused is necessary in a misdemeanor case.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 37.]

Error to Hustings Court of Portsmouth.

O. V. Foy was convicted of violation of the prohibition law, and he brings error. Affirmed.

The accused was tried by jury, convicted of violating the prohibition law of the state, and the judgment under review was entered accordingly.

There are but two assignments of error.

Frank L. Wilson, of Portsmouth, for plaintiff in error.

John R. Saunders, *Atty. Gen.*, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, and *Leon M. Bazile*, *Second Asst. Atty. Gen.*, for the Commonwealth.

RUDD *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 270.]

1. Criminal Law (§ 914*)—Denial of New Trial for Refusal to Change Venue on Ground that Impartial Jury Could Not Be Obtained Not Error, Where Impartial Jury Was in Fact Obtained.—Denial of motion for new trial for refusal to change venue, under Code 1919, § 4663, on the ground that a fair and impartial jury could not be obtained, held not error, where an impartial jury was in fact obtained.

[Ed. Note.—For other cases, see 2 Va. W. Va. Enc. Dig. 783.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.